



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Expungement Unit
Titles, Department of Law and Public
Safety

Request for Interim
Noncompetitive Appointments

CSC Docket No. 2022-526

ISSUED: OCTOBER 12, 2021 (EG)

The Department of Law and Public Safety (L&PS) requests that the Supervisor 1 and 2, Expungement, Agency Services Representative 1, 2, 3 and 4, Expungement, and Paralegal Technician Assistant titles, in the Division of State Police’s Expungement Unit (Expungement Unit), be reallocated to the noncompetitive division of the career service on an interim basis.

As background, due to the recent passing of Expungement Bill – P/L. 2019, the Expungement Unit has experienced a significant increase in petitions for record expungement. The legislation also included funding for 136 additional positions in the Expungement Unit to address the current backlog and to manage the increased number of petitions expected after the statutory change. In this regard, L&PS explains that there are currently 11 full-time employees in the Expungement Unit and that the backlog for final orders is currently six months. It adds that without additional staff, it is projected that the backlog will grow to over 12 months. Therefore, it requests that the subject titles be reallocated to the noncompetitive division on an interim basis to permit it to obtain staff that has the prerequisite knowledge, skill and length of service critical to its ongoing expungement efforts

The Division of Agency Services supports this request. It states that the reallocation of the aforementioned titles to the noncompetitive division on an interim basis will allow L&PS to comply with the recent legislation.

Upon review, it is noted that there are no current eligible lists for any of the subject titles.

It is noted that pursuant to *N.J.A.C.* 4A:3-3.3(f), the affected negotiations representatives were notified of the request to reallocate the subject titles to the noncompetitive division, on an interim basis.

CONCLUSION

N.J.A.C. 4A:3-1.2(c) provides that a job title may be placed in the noncompetitive division on an ongoing or interim basis when it is determined that it is appropriate to make permanent appointments to the title, and that one or more of the following criteria are met:

1. Competitive testing is not practicable due to the nature of the knowledge, skills and abilities associated with the job;
2. Certification procedures based on ranked eligible lists have not or are not likely to meet the needs of appointing authorities due to such factors as salary, geographic location, recruitment problems and working conditions; or
3. There is a need for immediate appointments arising from a new legislative program or major agency reorganization.

Based on the recent legislation described above, interim noncompetitive status for the subject titles is appropriate in this matter. Additionally, *N.J.A.C.* 4A:3-1.2(g) provides that, if a title is designated noncompetitive on an interim basis, at the end of the interim noncompetitive period, which shall be no greater than one year, the job title shall be redesignated as competitive. Individuals appointed during the interim noncompetitive period shall, upon successful completion of their working test periods, attain permanent status in the competitive division. It is noted that this interim noncompetitive designation is limited to use by the State Police's Expungement Unit exclusively.

ORDER

Therefore, it is ordered that this request be granted, and interim noncompetitive designations for the subject titles be effected for use by the Division of State Police's Expungement Unit exclusively. This designation will be effective October 9, 2021, for a period of six months. At the end of this period, the subject titles will be returned to the competitive division of the career service.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 6TH DAY OF OCTOBER, 2021

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